

REMARKS

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The claims appearing in this Application were 1 through 14. Claims 1, 5, 6, 7, 8, 9, 12, 13 and 14 have been amended to remove indefiniteness as will be described more fully below. Claims 1, 2, 5, 7 and 9-14 were rejected under 35 U.S.C. §103(a); Claims 3, 4, 6, 8, 10, 11 and 13 were also rejected under 35 U.S.C. §103(a). Applicant respectfully traverses the rejections of the claims and, therefore, the claims remaining under consideration are Claims 1-14 as amended.

THE INDEFINITENESS REJECTION

Claims 5-8, 13 and 14 were rejected under 35 U.S.C. §112 as being indefinite in that the examiner stated that it was not clear what was meant by "displaced from said die cut labels" and further that Claims 13 and 14 were improperly dependent from product claims 10 and 11. Applicants have amended Claims 13 and 14 to make them dependent from Claim 12 thus causing method claims 13 and 14 to be dependent from method claim 11. In addition Claims 5, 6, 7, 9 and 12 have been amended to make it clear that the adhesive which is utilized to secure the protective cover over the die cut labels is not in contact with the die cut labels. It is this feature which applicant intended to define by the term "displaced from said die cut labels." The specification has been amended to reflect the disclosure in the drawings and to render this term most clear. It is believed that by a review of the specification particularly at paragraph 15 where it is noted that the dry peel adhesive could be disposed at various points such as shown at 23, throughout the labels either alternatively to or in addition to the strip 22 of the dry peel adhesive about the periphery of the package that the term "displaced from said die cut labels" as meaning not in contact with the die cut labels is clear. Thus it respectfully submitted that by these amendments no new matter is added and that the indefiniteness has been removed.

APPLICANT'S INVENTION

Applicant's invention is directed to a shield for the protection of die cut labels and the method of making the same which product is a package having a plurality of die cut labels formed in a label substrate which is secured to a carrier and which includes a protective cover secured to a label substrate about its periphery by an adhesive which when the protective cover is removed leaves no tacky adhesive residue on the carrier or on the protective cover. Thus, the protective cover provides security to the die cut labels such that they cannot be removed without removal of the protective cover and at the same time the protective cover keeps the die cut labels from being subjected to improper handling or exposure to contaminants.

Applicant submits herewith as Exhibits A and B to this Amendment two samples of a product manufactured in accordance with the present invention and which is covered by the claims under consideration in this Application. Applicants believe that an examination of this product will provide a better understanding to the examiner of the invention and the manner in which it is manufactured and is distinguishable over the references of record.

PRIOR ART

The examiner has utilized the primary reference Jenkins 5,902,440 and the secondary references Driesten et al. (EPO 1026215) and Ko et al. (5,308,887) to reject all of the claims under 35 U.S.C. 103(a) as being unpatentable.

The examiner characterizes Jenkins as disclosing "a label package comprising a plurality of die cut labels (18a-18e) adhesively secured (16) to a carrier (12); and a protective cover (30a-30e) adhesively secured (28) over the die cut labels." Applicants respectfully submit that examiner has improperly characterized Jenkins. Applicants respectfully submit that Jenkins unequivocally discloses a plurality of labels 18a-18e which have been die cut into the face sheet 12, each of the labels has a clear vinyl strip adhesively secured to its surface. Applicants respectfully call examiner's attention to column 3, lines 8-10, 15-22, 28-34, and 40-43. Applicants respectfully submit that when Jenkins is properly understood it does not disclose a label package in which the protective cover is secured over die cut labels but rather is directed to a package in which a protective cover is adhesively secured directly to the surface die cut labels. The difference in the two structures is dramatic. In Applicant's

structure the user may remove the protective cover by peeling it away without damage to the die cut label while leaving no tacky residue on the cover or the label substrate and thereafter remove the die cut labels from the label substrate and use them as desired. There is no protective cover on the die cut label once it is removed from the label substrate and applied to the particular application substrate by the user.

The Driesten et al. reference was cited as disclosing dry peel adhesives to be used to form dry peel laminates. Applicants as indicated in their application were well aware that dry peel adhesives existed in the prior art and were also aware that such prior art dry peel adhesives could be cured by exposure to radiation as is taught by Ko et al. Applicants are not attempting to claim dry peel adhesives or such adhesives as cured by radiation as their invention but rather the utilization of those elements in combination as defined by the claims under consideration.

APPLICANT'S CLAIM

Applicant's invention as defined in Claim 1 is a shielded label package which includes a plurality of die cut labels formed in a label substrate adhesively secured to a carrier which has a protective cover disposed over the die cut labels and secured in place by an adhesive disposed about the periphery of the protective cover and the label substrate which when the protective cover is removed leaves no tacky residue on the protective cover or the label substrate. Applicants respectfully submit that this structure is not disclosed by the references Jenkins or Driesten et al. or Ko et al. taken separately or together and therefore, Applicants respectfully submit that Claim 1 defines patentably distinct subject matter over those references. It is clear from a consideration of Jenkins et al. that it does not disclose a protective cover disposed over die cut labels and secured in place by an adhesive disposed about the periphery of the cover and the label substrate upon which the die cut labels have been formed. As above pointed out, Jenkins clearly discloses a die cut label formed in a label substrate and which has a clear vinyl strip of equal size to the label adhesively secured to the surface of the label. The secondary references Driesten et al. and Ko et al. do not cure the deficiency of Jenkins to render the subject matter of Claim 1 unpatentable in view of 35 U.S.C. §103(a). Claims 2-8, 10 and 11 are each dependent directly or indirectly from Claim 1 and add limitations to the structure above described in conjunction with Claim 1 and thus it

is respectfully submitted are likewise patentably distinct over the references of record taken separately or in the conjunctive.

Claim 9 is an additional claim directed to the shielded label package by defining the various elements thereof in greater detail than is set forth in Claim 1. When considered in its entirety Claim 9 clearly defines a structure not disclosed in the references of record and/or as applied by the Examiner. For example, claim 9 clearly specifies a dry peel adhesive disposed upon the second surface of a label substrate but not on the die cut labels formed within the label substrate and a light permeable protective cover secured to the dry peel adhesive. As above clearly pointed out, Jenkins discloses only a clear vinyl strip adhesively secured to the entire surface of each of the die cut labels formed in the label substrate. Thus Claim 9 defines subject matter which Applicants respectfully submit is patentably distinct over the references of record.

Method claim 12 is an independent claim defining the steps to manufacture a shield label package as defined in the product claims 1-11. Again the steps taken in performing the method of claims 12, 13 and 14 include applying the dry peel adhesive upon the label substrate but not in contact with the labels. It is therefore respectfully submitted that this step defines a method not inherently disclosed by any of the references of record and/or applied taken separately or together.

In view of the foregoing amendments and these remarks, Applicants respectfully submit that Claims 1-14, all the claims presently under consideration, define subject matter which is patentably distinct over Jenkins or Driesten et al. or Ko et al. taken separately or together or over any of the additional references cited but not applied. Applicants therefore respectfully request reconsideration of Claims 1-14 as amended and the issuance of a notice of allowance with respect thereto.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0337, under Order No. LA-7143-102.US from which the undersigned is authorized to draw.

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Respectfully submitted,

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